

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

David B. Kinney,

Plaintiff,

v.

LIFE TIME, INC.,
LIFE TIME FITNESS, INC.,
LTF REAL ESTATE CMBS II, LLC,
LTF CLUB OPERATIONS COMPANY, INC.,
LIFE TIME DIGITAL, LLC,

Defendant(s),

Case No. 25-cv-004014

Hon. John Robert Blakey

Magistrate Judge M. David Weisman

JOINT STATUS REPORT

- A. This case does not presently have a next scheduled date on which it is up for status before the Court.
- B. The attorneys for each party of record are:

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- C. The basis for federal jurisdiction is Diversity §1332
- D. No Jury Demand has been entered at this time.
- E. This case is based on premises liability/negligence and willful and wanton conduct. David B. Kelly alleges he was injured from the presence of cleaning chemicals in the swimming pool at Life Time. Defendants have filed a counterclaim for breach of contract based upon a member usage agreement. The parties have presently agreed that Plaintiff has 28 days to file their answer to the counterclaim, on or by July 11, 2025.
- F. Plaintiff seeks recovery of medical expenses incurred and compensation for his pain, suffering, and associated conditions due to the alleged injury. Defendants seeks their attorney fees, costs, and expenses.
- G. Service of process is complete.
- H. The principal legal issues relate to premises liability, negligence, willful and wanton conduct, and application of a contractual waiver and agreement to pay attorney fees, costs, and expenses.
- I. Plaintiff alleges Defendants were negligent relative to the maintenance of the indoor swimming pool and as a result Plaintiff was affected by hazardous toxic chemicals and ultimately diagnosed with Hazardous Toxic Chemical Pneumonitis. Plaintiff also alleges that Defendants are liable for willful and wanton conduct for their alleged conduct. Defendants deny these allegations and claim application of a waiver, breach of an agreement not to sue, and recovery of its attorney fees, costs, and expenses.
- J. Plaintiff does not anticipate any motion practice at this time. Defendants intend to ultimately file a Motion for Summary Judgment based on contractual waiver and agreement to pay attorney fees, costs, and expenses.
- K. Proposed Discovery Plan: As of the date of filing of this Joint Status Report, only Plaintiff has issued written discovery requests and Rule 26 Disclosures. Defendants will tender Rule 26 disclosures within 7 days, on or by June 20, 2025.
 - a. Fact and Oral Discovery Cut-off
12/16/2025
 - b. Expert Disclosures
Plaintiff 2/28/2026
Defendants 4/15/2026
 - c. Rebuttal Expert Disclosures
Defendants 4/25//2026
Plaintiff 5/30/2026

- d. Dispositive Motion Deadline
06/30/2026
- L. The parties can be ready for a 4-5 day trial in September 2026.
- M. There have been no settlement discussions to date. A settlement conference may be appropriate after written and oral discovery are complete.
- N. The parties do not consent to jurisdiction and trial before a magistrate judge.

Respectfully submitted by:

/s/ Anthony Elman

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